

REMARKS

By this amendment, claims 43, 49, 52, 53, and 60-61 have been amended, claims 50-51, 54, 57-59, and 62-66 have been canceled, claims 1-42, 48, 55-56 were previously canceled, claims 44-47 remain as previously presented, and new claims 67-69 have been added. Hence, claims 43-47, 49, 52, 53, 60-61, and 67-69 remain currently pending.

1. **Double Patenting**

Claim 58 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 57. By this amendment, claim 58 has been canceled, and thus the instant objection is rendered moot. However, for the sake of clarity, applicant explains that claim 57 includes the element of “comparing the cartridge service array to the service array through a comparison operation performed in the shell...,” while claim 58 included the element of “comparing the cartridge service array to the service array through a comparison operation performed in the cartridge...” These claims are clearly distinct on the basis of where the comparison operation is being performed. That is, performing the comparison operation in the shell (claim 57) is significantly different than performing the comparison operation in the cartridge (claim 58). Therefore, these two claims were not substantial duplicates of one another.

2. **Response to Claim Rejections under 35 U.S.C. § 112**

Claim 65 is rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement on the basis that the specification only supports a service array that comprises a dynamic list of integers. By this amendment, claim 65 is cancelled, and hence the instant rejection of this claim under 35 U.S.C. § 112 is rendered moot.

Claim 62 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite due to the use of the term a memory for both the shell and cartridge. By this amendment, claim 62 is cancelled, and hence the instant rejection of this claim under 35 U.S.C. § 112 is rendered moot.

3. Response to Claim Rejections under 35 U.S.C. § 103

Claims 43-58 and 62-65 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent No. 5,465,401 (Thompson) in view of U.S. 2002/0138499 (Anderson et al.), U.S. Patent No. 6,961,587 (Vilppula, et al.) and U.S. Patent No. 5,418,837 (Johansson et al.).

Claims 59-61 and 66 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Thompson in view of Anderson, Vilppula, Johansson and U.S. Patent No. 6,993,362 (Aberg).

Thompson is directed to a communication system that has a removable application module. As conceded in a previous office action, Thompson does not disclose a device that has operating software containing information concerning wireless communication and call-processing software that communicates with the operating system software in response to coupling together of the cartridge and the shell. (01/30/08 Office Action, p. 4). As stated in the present office action, Thompson does not disclose a shell memory that that stores a service array including one or more elements, each element representing a wireless service and having a value specifying a level of support by the shell for the respective wireless service, and a registration listing including registration information for the one or more software applications, the registration information containing an identifier for each application correlated with a respective identifier of a wireless service requested by the respective software application; and the system of the software of the shell uses the service array to determine, through a comparison operation performed in one of the shell or the cartridge, whether the shell is able to meet the shell support requirements of the cartridge supported wireless services, and then uses the registration information to determine whether any of the wireless services supported by the cartridge are requested by any software application through the registration list. (Office Action, 5/26/09, p. 4).

The Examiner states that “one of ordinary skill in the art would have obviously recognized that each software application must register or identify with the system software before usage.” (Office Action, 5/26/09, p. 5). Claim 43 does not simply recite that each software application registers with the system software prior to usage. As acknowledged by the Examiner, claim 43 recites a number of elements not disclosed in Thompson, including a

service array and a registration list that are used by the system software to determined through a comparison operation, whether the shell is able to meet the support requirements of the cartridge supported wireless services, and whether any of the wireless services supported by the cartridge are requested by any software application through the registration list. This is much more than simply registering or identifying a software application with system software before usage.

The Office Action states that Anderson teaches certain elements of the claimed invention including a service array, a registration list , and the use of the service array by system software to determine wither one is able to meet the support requirements of another supported services. The Anderson reference is directed to a method of exporting data between software applications using an automatic import/distribution process with optional rule based direction. (Anderson, para. 0016).

As amended, claim 43 recites a composite device comprising:

a shell having ... a default shell service array including one or more elements, each element representing a wireless service and having a value specifying a level of support by the shell for the respective wireless service under a current hardware configuration; ... and cartridge memory storing a cartridge service array providing support level information for one or more wireless services supported by the cartridge, and call processing software to communicate with the system software and allow access to a wireless communication service supported by the cartridge upon coupling of the cartridge with the shell, ... the system software of the shell transmits the default shell service array to the cartridge which then compares the default shell service array to the cartridge service array to determine whether the shell supports the requirements of the cartridge supported wireless services, and wherein the cartridge modifies the default shell service array to include supported wireless services as a result of the comparison operation to generate a final service array, ... and wherein the system software further uses the final service array to determine whether any of the wireless services supported by both the cartridge and the shell are requested by any software application through the registration list and notifies any software application that requested a supported wireless service that the service is presently available.

Anderson does not teach or suggest a registration system for software applications and wireless services, as claimed in amended claim 43. Anderson only describes a system in which applications in their own respective operating environments have exportable data (i.e.,

control data and user data), and the applications have associated with them one or more descriptors that describe the presence of exportable data or importable data of the application. (Anderson, ¶¶ 0024-0025). These applications may also have application identifiers that identify the manufacturer of the application and a function/service encoding bit to indicate whether or not the application is essential. (Anderson, ¶¶ 0042-0043). This teaching does not correspond at all to a composite wireless device that has a shell service array including one or more elements, each element representing a wireless service and having a value specifying a level of support by the shell for the respective wireless service under a current hardware configuration, and cartridge memory storing a cartridge service array providing support level information for one or more wireless services supported by the cartridge, as claimed in claim 43.

Claim 43 has further been amended to include the element of generating final service array as a result of the comparison operation, and using the final service array in the cartridge to indicate the wireless services supported by the shell and the cartridge as a unit. None of the cited references teach or suggest a device that utilizes a shell service array, a cartridge service array, and a final service array to provide an indication of wireless services provided by the shell and cartridge as a unit, as recited in this claim. Therefore, none of the other cited references adds sufficient teaching to render these, or any of the other elements of claim 43 obvious under 35 U.S.C. § 103.

Vilppula discloses a smart card for a mobile communications terminal containing a plurality of application programs providing various services. Different profiles can be configured so that certain applications are accessible in certain profiles. The smart card is changed from one profile to another by changing application identification and selection data in a directory of the applications. Johansson discloses an apparatus for upgrading a mobile telephone through a software upgrading module (SUM) card adapted to be temporarily connected to the mobile telephone by insertion into the module reader. Upgraded software is stored and transmitted into the main memory of the mobile telephone by upgrading means. In Johansson, a module card detects whether the module card is a particular type of card (e.g., a GSM SIM card) for validating the subscription and authenticating the subscriber. This validation step simply determines whether or not the upgrade provided by the SUM card is

allowable, and is performed by either assuming the inserted card is a SIM card or checking data on the SUM card. (Johansson, Col. 6:64-68). This is not the same as a system in which a shell maintains a shell service array, a cartridge maintains a cartridge service array, and then either the shell or the cartridge performs a comparison operation to generate a final service array that allows the shell to notify registered and requesting software applications that a particular wireless service is supported by the shell/cartridge is available by hardware on the shell and through the installed cartridge. Therefore, it is respectfully submitted that Johansson and Vilppula do not add any teaching to Thompson that renders amended claim 43 obvious and unpatentable.

The rejection of the pending claims under 35 U.S.C. § 103(a) is respectfully traversed as a *prima facie* case of obviousness has not been established. The Examiner bears the initial burden of factually supporting a *prima facie* conclusion of obviousness (M.P.E.P. Section 2142). To establish a *prima facie* case of obviousness, three basic criteria must be met. First, the Examiner must provide reasons for combining the references (Margaret A. Focarino May 3, 2007 Memorandum Re: Supreme Court decision on KSR Int'l. Co. v. Teleflex Inc.). Second, there must be a reasonable expectation of success. Third, the prior art reference (or reference when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Appellant's disclosure. In *re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). In assessing any *prima facie* conclusion of obviousness the guidance of the Supreme Court in *Graham v. John Deere Co.* is used. *Graham vs. John Deere Co.*, 383 U.S. 1,148 USPQ 459 (1966) requires determining: "the scope and content of the prior art," ascertaining "the differences between the prior art and the claims at issue," and resolving "the level of ordinary skill in the pertinent art." Applicants respectfully submit that the Examiner has not met the initial burden of factually supporting a *prima facie* conclusion of obviousness (M.P.E.P. Section 2142).

None of the cited references, either together or separately, teach or suggest a wireless device that has a shell, cartridge and interface, wherein the shell has a shell service array, and the cartridge includes a cartridge service array and these arrays are compared to determine whether a wireless service provided by the cartridge is supported by the shell, and system

software is provided to notify the registered application software that an identified wireless service is available. Therefore, it is respectfully submitted that amended claim 43 is patentable under 35 U.S.C. § 103 in light of the cited combination of Thompson, Anderson, Vilppula and Johansson.

The remaining dependent claims that depend from claim 43 are patentable over the cited combination for the same reasons provided above with respect to claim 43. Furthermore, each of these claims also includes elements that are not taught or suggested in the cited references.

For example, claims 60 and 61 claim a device, wherein “in the event that the system software of the shell does not recognize a wireless service that the cartridge supports, the service array is expanded to include an additional element that represents the new wireless service.” With respect to these claims, the Examiner has cited the Aberg reference. Aberg is directed to mobile phone type device that has a hierarchical menu system stored in memory. The specific cited portion of Aberg describes that a portion of the menu system may depend on whether an accessory is connected to the phone. The display of menus depending on the presence of an attached accessory is not sufficiently similar to the expansion of a service array to include wireless services that are not recognized as supported by the shell system software, to render this claim obvious under 35 U.S.C. § 103. Therefore, it is respectfully submitted that claims 60 and 61 are patentable over the cited combination, for this reason as well.

New independent claim 67 recites elements similar to those of amended claim 43. Therefore, for the reasons presented above with respect to claim 43, it is respectfully submitted that this claim and its dependent claims are patentable under 35 U.S.C. § 103 over the cited combinations.

New dependent claims 68 and 69 add elements directed to a memory storage bin stored in at least one of the shell memory and the cartridge memory and storing defined subscriber identification information associated with the device; and a subscriber transfer object maintained by the shell for transferring subscriber information through the cartridge to a communication network accessed by the wireless service provided by the cartridge. None of the cited references, alone or together, teach or suggest the subscriber information system

claimed in these claims. Thus, it is respectfully submitted that these new claims are patentable under 35 U.S.C. § 103.

Support for the amendments to claim 43 are present in the specification in paragraphs 0064 and 0065 of US Patent Publication 2004/0005910, wherein it is stated: "the shell OS sends a default array to the newly inserted cartridge ... based on the default array, the cartridge may send another service array back to the shell OS that tells the shell OS which services will be supported by the shell/cartridge combination." "Once the shell OS receives the final service array from the cartridge, it notifies the application that registered for [these] services that the services are now available."

Support for new claim 67, which recites that the cartridge transmit the cartridge service array to the shell, which then compares the cartridge service array to the default shell service array, is present in Figure 2, and in the specification in paragraphs 0062-0065.

Support for new claims 68 and 69 are provided in the specification in paragraphs 0068 and 0085.

4. Conclusion

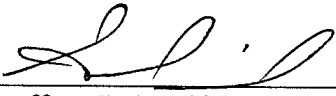
Applicants respectfully request that the above-described amendments be made part of the official record in the present application, and submit that support for the claim amendments and new claims is present in the specification, claims, and drawings as originally filed, and that no new matter has been added.

If there are any shortages, the Examiner is authorized to charge our Deposit Account Number 503616.

Respectfully submitted,

COURTNEY STANIFORD & GREGORY LLP

Dated: November 25, 2009

By: 
Geoffrey T. Staniford
Registration No. 43,151

10001 N. De Anza Blvd., Suite 300
Cupertino, CA 95014
(408) 342-1904 (telephone)